

EDMONDS CITY COUNCIL APPROVED MINUTES

January 20, 2015

The Edmonds City Council meeting was called to order at 6:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Adrienne Fraley-Monillas, Council President
Diane Buckshnis, Councilmember
Kristiana Johnson, Councilmember
Joan Bloom, Councilmember
Thomas Mesaros, Councilmember

ELECTED OFFICIALS ABSENT

Lora Petso, Councilmember

ALSO PRESENT

Noushyal Eslami, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks, Recreation & Cultural Services Director
Scott James, Finance Director
Shane Hope, Development Services Director
Rob English, City Engineer
Mike Clugston, Planner
Jeff Taraday, City Attorney
Linda Hynd, Deputy Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

SPECIAL MEETING

1. CONVENE IN EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss collective bargaining per RCW 42.30.140(1)(a). He stated that the executive session was scheduled to last approximately 60 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Parks, Recreation & Cultural Services/Human Resources Reporting Director Carrie Hite, Sharon Cates, City Attorney's Office, Human Resources Manager Mary Ann Hardie, Public Works Director Phil Williams and Deputy Clerk Linda Hynd. The executive session concluded at 6:56 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:00 p.m. and led the flag salute.

BUSINESS MEETING

1. ROLL CALL

Deputy Clerk Linda Hynd called the roll. All elected officials were present with the exception of Councilmember Petso.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXCUSE COUNCILMEMBER PETSO. MOTION CARRIED UNANIMOUSLY.

2. APPROVAL OF AGENDA

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Bloom requested Item A be removed from the Consent Agenda.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- B. APPROVAL OF CLAIM CHECK #212411 DATED JANUARY 13, 2015 FOR \$1,776,042.50 AND CLAIM CHECKS #212412 THROUGH #212552 DATED JANUARY 15, 2015 FOR \$2,212,452.10. APPROVAL OF CLOTHING ALLOWANCE CHECKS #61447 THROUGH #61459 DATED JANUARY 12, 2015 FOR LAW ENFORCEMENT COMMISSIONED EMPLOYEES IN THE AMOUNT OF \$4,178.06 PER UNION CONTRACT**
- C. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM DENNIS THORNBERRY (AMOUNT UNDETERMINED), AND BARRY AND BERNADETTE SOMERS (\$4,455.16)**
- D. APPROVAL OF ORDINANCE ADOPTING REVISIONS TO EDMONDS CITY CODE, CHAPTER 10.16 CEMETERY BOARD**

ITEM A: APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 13, 2015

Councilmember Bloom said she had a correction but could not find it right now.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE ITEM A. MOTION CARRIED (4-0-1), COUNCILMEMBER BLOOM VOTING NO.

Mayor Earling suggested Councilmember Bloom request the correction be made next week.

4. AUDIENCE COMMENTS

Michael Echelbarger, Edmonds, displayed a typical plat with over 100 trees, noting approximately 10% are actually large shrubs such as laurel. He displayed a drawing of the Shaw Lane subdivision, identifying a low area that was filled, explaining the goal was for the new street to be at the same elevation and the lots approximately one foot higher for good drainage. He displayed a drawing of the area that would be cleared for houses, street and frontage improvements, vaults, etc. He displayed a drawing illustrating all the areas cleared for houses, vaults, and streets on a 1.5 acre lot, leaving approximately 20 trees in one area and 5-10 trees on the north property line which the neighbors wanted removed. In an 8,000 square foot plat, the preponderance of the area in the plat has to be cleared. Every tree removed is a negative cost to the builder all the debris must be hauled away, chipped, etc. He summarized no one removes a tree just because; a tree is removed because it is dangerous, could be dangerous or in this case, the neighbors did not like them. He displayed a 6,000 square foot lot, identifying a very small area where a tree could be saved and summarizing on a 6,000 square foot plat, virtually nothing remains.

Natalie Shippen, Edmonds, spoke regarding the sign code. She advised in Old Mill Town, the sign code allowed 20 signs along 5th and Dayton spread over 20 signs or 10 signs at a corner due to the way the definition of premises was interpreted. This resulted in an inordinate number of signs on a building that received money from a foundation to make it make more attractive. The purpose of beautification is defeated when a lax sign code allows that many signs and particularly in the bowl where a great deal of money is spent on beautification. Another example of the lax sign code is temporary signs which businesses can display for a total of 60 cumulative days per calendar year. In fact temporary signs are permanent because the City does not monitor the number of days a temporary sign is displayed and could not proceed with enforcement without that information and could not proceed to a hearing or legal proceeding with third party information. She referred to comments by Planning Manager Rob Chave at a March 11, 2014 committee meeting regarding the need for a major overhaul of the sign code and the need for the Planning Board to do extensive outreach to ensure all views were considered. Although this was a Council priority, a year later it is not on the Planning Board's extended agenda through June 2015.

Alex Witenberg, Edmonds, stated his opposition to the proposal to limit the number of applicant interviews for the vacant Council seat if there are more than six applicants, pointing out interviewing all applicants is a very important element of the public process. The individuals who submit applications will devote time and effort to preparing for the process; denying them the opportunity to be interviewed in public does a disservice to them and the entire Edmonds community. It is a disincentive to adequate preparation and it prevents applicants who are not interviewed from engaging in topics important to them and the City. Limiting the number of applicant interviews also reduces the involvement of the public in this process. Although Councilmembers meeting/speaking with applicants outside the public process may provide a valuable perspective for Councilmembers in making their decision, private conversations cannot replace public interviews. Interviews are the only opportunity for applicants to engage the public and Council and to present a compelling reason for appointment. This appointment process is not similar to a private business interview process where applicants can be narrowed to only a few. He proposed holding all interviews on the same day, perhaps a Saturday in order to avoid giving any candidate an unfair advantage. The interests of Edmonds citizens are best served by interviewing all applicants.

Roger Hertrich, Edmonds, agreed with Mr. Witenberg, his information is well thought out and well organized. Mr. Hertrich said he and others would apply if the number of executive session were reduced.

5. VETERANS' PLAZA PUBLIC HEARING AND APPROVAL OF CONCEPT

Jim Blossey, Commander, Veterans of Foreign Wars Post #8870 and representing other veterans groups such as the American Legion, Military Order of the Purple Heart, and Disabled American Veterans, said they all support the Veterans' Plaza outside the Public Safety Building entrance. The Veterans' Plaza is about three things: honor, remembrance and sacrifice. He explained everyone knows veterans who have sacrificed, some who have paid the ultimate sacrifice, others who have sacrificed their minds, peacefulness, and bodies. He recognized a veteran friend here tonight, Dr. John Shelton, who has been in a wheelchair since he was wounded in Vietnam. He has carved out an exemplary life since then but not without great sacrifice. Also present tonight are veterans whose service dates back to WWII.

Mr. Blossey explained sacrifice does not end with war; the Veterans' Plaza will require a little sacrifice from all including money, time, effort and possibly some convenience. He asked the entire community to shoulder some of this sacrifice in order to honor the brave men and women who have served.

Mr. Blossey introduced Ron Clyborne, past President of the Greater Edmonds Chamber of Commerce, chair of the parade and fireworks displays, former Edmonds Professional of the Year, member of VFW #8870, lifetime Marine and Vietnam combat veteran.

For Mayor Earling, Parks, Recreation & Cultural Services Director Carrie Hite described the presentation. Following Mr. Clyborne's presentation she will describe the process, followed by a presentation by Site Workshop, the public hearing and Council discussion.

Ron Clyborne, U.S. Marine Corp Vietnam Veteran, member of the VFW, American Legion and Vietnam Veterans of America and the Veterans' Plaza Committee Chairman, was excited to present the process of the Veterans' Plaza design competition for Council consideration. After the 2014 public dedication that was attended by over 150 members of the community, the committee was immediately increased to include a broader spectrum of the community, including members of the City Council, Edmonds Chamber of Commerce, Edmonds Community College, Rotary, VFW, American Legion, Edmonds Museum, as well as family members of local veterans' families and many other proud supporters of the Veterans' Plaza, uniting in a collaborative, caring and respectful effort.

The committee's first order of business was to create a Veterans Plaza design contest, providing specific criteria and parameters to numerous public, private, academic and nonprofit organization as well as some local individual artists and designers, inviting them to submit designs from August 1, 2014 through October 15, 2014. The committee received ten submissions from throughout the United States as well as one from Mexico, all of which were quite amazing. After committee members considered the submissions and designs, the submissions were narrowed to four designs from two firms in King and Whatcom Counties. The committee interviewed the representatives, reviewed the designs, and voted for the design that best met the criteria established by the committee. The vote was unanimous; one design stood out above all, to the point that some were brought to tears looking at it.

Since that decision, the winning vendor, Site Workshop, who has worked with City in the past, participated in a follow-up meeting. After a great deal of effort, the committee is proud to make this presentation for Council approval. Council approval of this proposal will allow the project to proceed to the next steps, 30% design and organizing a fundraising campaign. On behalf of committee, he thanked the City Council for providing the necessary funds to proceed with the 30% phase. He also thanked the Council for their past support of the Veterans' Plaza and looked forward to approval of the design that truly honors the men and women who have served. He noted time can be important; unfortunately each day more men and women are lost serving their country.

Ms. Hite recalled a unanimous vote of the City Council directed a community group to proceed with design concepts and bring concepts to the Council. She referred to emails today, one from Mr. and Mrs. Wilcox, about conflicts between the Garden Market and the wall proposed in the design. It is her intent for the Parks Department to meet with the Wilcox and Garden Market representatives in an effort to mitigate their concerns and find a win-win solution. She understood when the Garden Market originated, the City did not support the use of the Bell Street triangle. She recommended Council consider the use of the triangle and provide direction to staff regarding use of that area for the Garden Market. She was honored to work with the Veterans' Plaza Committee and assured the Council the City has been involved in the process; she reviewed the RFP and the submittals, and was part of the interview process. She assured the community group produced a fair and equitable process.

Brian Bishop, Landscape Architect, Site Workshop, introduced Andrea Fitch and explained they were involved in the competition and entry that was selected. They are honored and excited to start working with the veterans group to realize this vision for the Veterans' Plaza. Site Workshop has been working with the City on the spray park project.

Mr. Bishop displayed an aerial of the site, identifying the plaza in front of the Public Safety Building that was selected as the location for the Veterans' Plaza. The RFP stipulated the design not disrupt infrastructure, sidewalks or utilities in a major way. Their design builds on the framework of the existing

plaza, creating a space that honors the contributions and qualities of veterans in the Edmonds community while limiting impacts on the existing infrastructure, enhancing the existing public spaces and creating a stronger sense of place within the plaza. He reviewed their design approach which includes five elements:

- Extend plaza slightly to the north
- Create memorial wall and screen parking
- Add water
- Create memorial garden, make more accessible
- Provide seating

He displayed the site plan with three elements, memorial wall on the north side of the plaza, the memorial garden along the south and east of the plaza, and the seating elements in the existing plaza. Their goal was to provide a simple and timeless design that will be embraced by the community.

He described the memorial wall, one wall divided into five segments as the military is divided into five branches, representing that shared experience and individual experiences of each branch. They propose using a combination of granite with different finishes to clad the wall to reflect a sense of permanence and strength. Another advantage of granite is an opportunity to artfully incorporate branch emblems, histories and mottos into the wall. The water element that creates the five branch segments recognizes military veterans have traveled long distances from home and community across water and reinforces the sense of separation from loved ones and community while serving. The water elements will line up with existing elements in the plaza such as the trees and concrete banding. He displayed a section drawing showing the relationship through the plaza of the existing trees, the water wall that will empty into a runnel that terminates at the existing flagpole, and additional plantings on the back side of the wall.

Mr. Bishop described the memorial garden, commenting the existing oak tree frames the space previously designated as the Veterans' Plaza and the existing boulder with a plaque. The existing wall would be amended to create a contemplative, private space that compliments the memorial wall which is a more public space, increase access to the garden and incorporate a gathering area with the boulder as a focal element. Currently the only way to experience the boulder and plaque are to look over the wall or walk onto the grass from the sidewalk on Bell Street. The garden will also include built-in seating and a northwest native palate.

He described the seating cubes, explaining the site currently functions as a pass-through site to the entrance of the building. The seating cubes provide an opportunity for pause and rest, ties the wall and the garden together across the plaza, as well as creates more seating for the public space and events.

Mr. Bishop explained upon approval of the design concept, the next step will be to begin work on a 30% design effort which will allow them to better frame the project scope such as construction aspects, systems, etc. as well as work with the committee on fundraising.

Councilmember Bloom thanked Site Workshop for using and enhancing what already exists. She agreed the oak tree was beautiful and the trees were well chosen for site and are in good health. She asked how the seating cubes would be designed to accommodate the slant of the plaza. Mr. Bishop answered it is very early in the design process, typically one side will be selected to be the most comfortable seating height of 16-18" which will result in other sides being shorter. Design features will be used to a comfortable place to sit that will not look odd due to the slope.

Councilmember Bloom observed it appears the cubes seat only one person. Mr. Bishop answered as drawn they are 2'x2', comfortably seating 1-2 people. Their goal was to be cognizant of other uses in the plaza and limit the size to a comfortable proportion to the space. Further in the design there may be

opportunity for a large cube to seat more people. Councilmember Bloom preferred to have space for more than one person to provide a community gathering feeling.

Councilmember Bloom observed the cubes appear low and asked whether they would be accessible for individuals who have difficulty sitting or rising. Mr. Bishop answered the standard 16-18" height is quite typical when designing seating. They could look into adjusting the height to be slightly higher. The cubes in the drawings are a typical seating height that would be found in a seating wall. Councilmember Bloom wanted to ensure anyone with difficulty sitting or standing would be able to use the cubes.

Councilmember Bloom observed the garden area appears to be grass. Mr. Bishop answered this is a very schematic model. He displayed a drawing illustrating a northwest native palate. He noted it would make sense to leave some lawn so the area was accessible from Bell Street. He anticipated a more formal planted edge on the plaza side to create a sense of arrival.

Councilmember Johnson congratulated Site Workshop on being selected and thanked everyone involved in the process. She inquired about potential phasing of the three basic concepts and which part would be done first. Mr. Bishop answered a priority or sequencing has not been identified. The intent was a flexible plan and they have been working with the committee to identify priorities. The goal would be to construct everything in one phase but the three elements provide an opportunity for a phased approach if necessary.

Councilmember Buckshnis remarked the Veterans' Plaza will be beautiful and she likes the preliminary design. She asked whether the water will be recycled. Mr. Bishop answered yes, there will be a small vault and the water will be recirculated.

Council President Fraley-Monillas commented it is a very interesting design that will bring value to the downtown core. She asked about funding for the plaza. Ms. Hite answered it is the committee's intent to fund development for the project. A conservative estimate of the cost is approximately \$450,000. In discussion with Site Workshop during the interview and follow-up meeting with the committee, they were asked to identify options for reducing costs such as a slate-clad wall instead of a full slate wall. The goal is the same look and feel as their design and to identify areas for potential savings. The committee is waiting for 30% design and materials before beginning the fundraising.

Council President Fraley-Monillas observed the plaza may be phased depending on funding. Ms. Hite agreed, noting the RFP included use of the existing site, cost savings and a phasing plan.

Councilmember Buckshnis suggested seeking donations from the Garden Club, Hazel Miller Foundation and grants. She also suggested establishing a Veterans' Plaza fund within the City to accept tax deductible donations. Ms. Hite agreed that could be done; the Council included \$10,000 in the 2015 budget to begin the design process. The committee has discussed a structure for fundraising; she will work out the details with the committee. Councilmember Buckshnis suggested it may be easier to accept donations through the City rather than establishing a 501(c)3. Ms. Hite assured the logistics would be worked out soon.

Councilmember Mesaros reported he met with several members of the committee today and volunteered his services to guide them in fundraising. There are ample resources in the community to fund this and it will be fun and exciting to gather those resources to honor veterans via the Veterans' Plaza.

Council President Fraley-Monillas noted Councilmember Mesaros is a veteran.

Mayor Earling opened the public participation portion of the public hearing.

Michael Reagan, Edmonds, Vietnam combat veteran, life member of VFW 8870 and Post 66 and the artist for the Fallen Heroes Portrait Project for the past 11 years, explained every day he looks into the face of a dead soldier to draw their portrait to send to their family. In talking with the family members to learn about the person he is drawing, the thing families are most afraid of is that they will be forgotten. As a Vietnam veteran, a lot of his friends were forgotten; his goal was to ensure that did not happen. In addition to the portraits, he promises the families, as long as he has a voice, he will not allow people to forget their sacrifice. To reduce the stress of spending 10-12 hours/day drawing portraits, he walks from Meadowdale to the Senior Center. In November, after a plaque was installed outside the Public Safety Building, he altered his route so he can visit the plaque and talk to his friends who did not come home or the family and friends of the people he just drew. The plaque created a place for him that not only recognizes his service but all the people he works with which helps their healing. He has given talks at many veterans' plazas over the past 11 years; his one regret upon returning home was his hometown of Edmonds did not have a place. He anticipated seeing a person standing at the memorial in the middle of the night saying goodbye to a friend, noting providing a place to do that may save a life. As a Vietnam combat veteran who came home rough, he thanked the City for giving him a place when he walks, a place he and his friends need.

Robert Stivers, Edmonds, a veteran but speaking as citizen, expressed his support for the Parks Department's proposal to reconcile the Garden Market with the Veterans' Plaza design. He described his wife's enjoyment of the Garden Market, noting the Garden Market is something veterans fight for, the freedom to freely exchange good and services. A compromise solution can be easily identified to alleviate the Garden Market's concerns and garner their support for the Veterans' Plaza. He suggested rotating the thickness of the wall 90 degrees to allow both sides to be visible and allow a wide aisle to walk through between the parking and the market. He relayed his understanding that the Garden Market also uses that area as a pathway for setting up the market. Free exchange of goods and services, ideas, concepts and art are essential to society.

Ron Clyborne, Edmonds, explained the committee included a representative from the Museum, Board Member Jack Hall, a former officer. The committee purposely asked Mr. Hall and the president of the Museum, Bill Lambert, to provide a representative because this area hosts both the Garden Market and the Summer Market. The committee was somewhat surprised by the email exchange. As a former Museum Board Member, he knew the importance of the markets, the Museum's main fundraiser and assured the Veterans' Plaza Committee was willing to work with the Museum on a win-win for everyone.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

Council President Fraley-Monillas asked if there were any other potential conflicts in addition to the Garden Market. Ms. Hite answered no. Council President Fraley-Monillas asked about the alternate location for the Garden Market. Ms. Hite explained moving the market into the street where the Summer Market is held would allow the wall to be constructed as designed. When the Museum approached the City to expand the market prior to the Summer Market, the City did not allow the street to be closed for the 8-week period. She encouraged the City to consider that and discuss it with the market representatives, noting it is a great location, access is still provided and provides vendors access to their vehicles.

Councilmember Mesaros commented over the past 25-30 years he has visited nation's capital many times with his family as well as alone. During those trips he always visits the Vietnam Memorial and the name of a high school classmate, Tom Tingley. When he went to college in 1966, Tom joined the Marine Corp but did not come back. He also visits the Korean War Memorial and the WWII Memorial and took his son to the groundbreaking of the WWII Memorial. He looked forward to visiting a similar place in Edmonds. He thanked the committee for the opportunity to provide such a place.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO APPROVE THE CONCEPT PENDING DISCUSSION WITH THE MUSEUM TO ALLOW CLOSURE OF BELL STREET TO ALLOW THE GARDEN MARKET TO OPERATE LIKE THE SUMMER MARKET.

Councilmember Buckshnis expressed her support for the current concept. She acknowledged the concern expressed by Wilcox and the opportunity to close Bell Street for the Garden Market. Ms. Hite advised it will take a few days to measure the space and ensure it will work.

Mayor Earling suggested the Council approve the concept to allow the design to move forward and have Ms. Hite present other potential alternatives in a few weeks.

Councilmember Buckshnis amended her motion as follows with the agreement of the second:

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO APPROVE THE CONCEPT.

Councilmember Bloom pointed out the intent is to work out the location of the Garden Market in the best way possible for everyone involved.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING ON DRAFT LAND USE ELEMENT FOR THE 2015 COMPREHENSIVE PLAN UPDATE

Development Services Director Shane Hope referred to information in packet and online regarding the Comprehensive Plan update and the update of the Land Use Element. She described what the Comprehensive Plan is:

- Comprehensive Plans are key local policy documents
 - Guided by GMA
- Under GMA, local governments must implement and be consistent with their Comprehensive Plan

She provided an overview of the process:

- Under GMA, Comprehensive Plans are subject to major review and update every 8 years
- Next Comprehensive Plan major update for Edmonds, due to State by mid-2015
 - Determination early in process to update existing Comprehensive Plan, not complete rewrite
 - Chapter-by-chapter review by Planning Board and public hearing at City Council
- New planning horizon: 2035 instead of 2025

Ms. Hope reviewed key changes to the Land Use Element:

- Updated Census, housing and population targets data
- Added text to explain regional planning policies
- Moved design standards for the Downtown/Waterfront to Urban Design section
- Reformatted goals and policies
- Updated outdated text in Open Space and Noise Pollution sections
- Removed Water Resources and Drain Management section (information covered in Utilities Element)

With regard to demographics, she provided a chart with the percentage of age groups (under 20, 20-44, 45-64, 65-85 and 85+) in Washington, Snohomish County and Edmonds in 2000, 2010 and 2013. In 2011 the first baby boomers turned 65. In 2035, baby boomers will be 71 to 89 years of age

She provided a table of historical and projected growth 1940 to 2035 in Edmonds and noted:

- Annual growth rate between 2000-2010 was 0.05%
- Annual growth rate between 2010-2013 was 0.85%
- The projected annual growth rate from 2010 to 2013 is 0.6%

She displayed a pie chart of current land use categories by percentage of City land area:

Singe family urban	39.7%
Singe family resource	22.7%
Multi-family	6.5%
Mixed use	5.9%
Commercial	0.9%
Medical	0.3%
Parks	5.3%
Open space	0.9%
Utilities	0.2%
Right-of-way	17.6%

Ms. Hope displayed a map of the two activity centers identified in the existing Comprehensive Plan that are proposed to stay the same in the updated Comprehensive Plan:

- Downtown/Waterfront Activity Center
- Medical/Hwy 99
- Activity centers address the following goals
 - Build on existing community character
 - Pedestrian-oriented
 - Multimodal
 - Mixed use
 - Urban Design
 - Balanced (re)development
 - Adaptive reuse

She provided an overview of the Land Use Element Goals and Policies:

- Existing and draft goals/policies address:
 - Several types of land use
 - Soils and topography
 - Vegetation and wildlife
 - Air and noise pollution
 - Urban growth areas
- Draft element
 - Updates wording of goals and policies
 - Continues general policy direction

She described the process of reviewing the draft Land Use Element:

- Three public meetings of Planning Board
- Planning Board recommended version in packet as draft
- Planning Board recognized may need tweaking, cleanup technical changes
- Have not yet added a performance measure
 - Difficult to identify one thing that can be measured annually

Next steps:

- Public hearing – January 20
- Study session – January 27
- Open house – February 25
- Open house on entire Comprehensive Plan - spring/summer

Councilmember Buckshnis commended staff and the Planning Board for doing a fabulous job on the Land Use Element. She asked why Westgate was not considered an activity center, recalling the Council recently approved a comprehensive change to the area. Ms. Hope answered it could be if the Council directs. The intent with the Comprehensive Plan update was a conservative approach of updating what exists in the current plan.

Councilmember Buckshnis asked whether the Stevens Hospital Master Plan would be removed and whether a subarea plan would be required from Swedish-Edmonds. Ms. Hope advised the Stevens Hospital Master Plan would be removed. The intent was to simplify the plan, remove outdated plans, etc.

Councilmember Buckshnis observed Washington State Ferries does not have Edmonds Crossing in their planning out to 2040, there is a permanent Sounder station and an alternatives study is planned to study conflicts with the train. Ms. Hope answered Edmonds Crossing was left in the Comprehensive Plan, revising language to indicate alternatives were being considered. If the Council directs, reference to Edmonds Crossing can be removed. She pointed out the Comprehensive Plan describes Edmonds Crossing but does not require anything to be done.

Councilmember Buckshnis acknowledged this was a sensitive subject years ago, but some people who live in Esperance want to live in Edmonds. She asked whether consideration had been given to that area being a self-contained Municipal Urban Growth Area (MUGA). Ms. Hope answered that has been discussed; it is currently part of Edmonds Urban Growth Area (UGA).

Councilmember Bloom commented there was nothing in the Comprehensive Plan about pedestrian and emergency vehicle access. She asked why the Comprehensive Plan included Pt. Edwards but did not include emergency vehicle access. Ms. Hope answered the consultant plans to study that in the Transportation Element.

Mayor Earling opened the public participation portion of the public hearing.

Mike Echelbarger, Edmonds, agreed with Councilmember Buckshnis about Edmonds Crossing, relaying he has always thought it was a bad concept because moving the ferry would make it invisible to most of the City. He agreed it was time to consider bringing Esperance into the City. With regard to access to the west side of the tracks, he pointed out in the past there was a bridge to Union Oil Park and possibly an easement exists to reinstate the bridge.

Roger Hertrich, Edmonds, suggested the City consider how much Esperance would contribute to the City's growth targets. He recalled the development at Pt. Edwards contributed to those requirements and questioned how the remaining area to be developed would contribute toward growth targets. With regard to Edmonds Crossing, he said that project was not dead; it just did not have any funding. He envisioned any other location for the terminal in the mid-waterfront area would be very disruptive to the economic vitality and continuity of downtown. He suggested the funds allocated to study a trench be allocated to the Edmonds Crossing project.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

7. **CITY HALL EXTERIOR ATM CONCESSION AGREEMENT PUBLIC HEARING**

Public Works Director Phil Williams recalled the Council had a good discussion at last week's study session and the packet includes staff's written response to questions asked at the study session. With regard to the color of the cash machine; it was agreed the muted gray would fit the location and that is what the vendor provides. The location was proposed to be the alcove south of the main entrance to City Hall. Via conversations with the Museum, the sponsor of the Summer Market, it was decided the best location was the north alcove. There is power in that location and it is not a usable space for the market due to the fire hydrant. The market, City and vendor are satisfied with that location.

Councilmember Bloom asked for clarification regarding the location of the ATM machine. Mr. Williams answered it will be to the left when exiting City Hall in the northerly alcove closest to the entrance to the Chamber's offices.

Mayor Earling opened the public participation portion of the public hearing.

Daniel McCaleb, commented the Edmonds community has an immense amount of civic pride and takes pride in its beautification and quaint architecture. He suggested the Council consider the civic benefit that a large metal structure would have so close to the new memorial and whether the convenience outweighs the obvious visual detractor. Mobile ATMs provide the same service during the Garden Market, Saturday Market and Taste of Edmonds without an intrusive, permanent structure and those agreements provide significantly more monetary benefit to the City. The proposed agreement only provides 10% to the City; the mobile ATMs provide twice that amount. The proposed contract also obligates the City to five years.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

Council President Fraley-Monillas asked about the 5-year contract. Mr. Williams answered it is a 5-year contract but can be terminated with 48 hours' notice.

Councilmember Bloom inquired about mobile ATMs. Mr. Williams explained the same vendor has provided a mobile ATM for the market in the past. It is a considerable amount of work to set up and take down. It was felt this part of downtown could use access to a regular cash machine. He was not certain about the mobile ATM contract, assuring the intent of allowing an ATM was not for the revenue although he anticipated 10% on a permanent machine would generate more than 20% of a temporary machine. The benefit to the City is the ATM provides ready access to cash during events that generate tax revenue.

Councilmember Buckshnis asked whether one of large planters will be removed. Mr. Williams did not have the details; the Facilities Maintenance Manager Jim Stevens, Parks representatives and market representatives selected the location.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE PROPOSED CONTRACT FOR AN ATM INSTALLATION OUTSIDE CITY HALL. MOTION CARRIED UNANIMOUSLY.

Mayor Earling declared a brief recess.

8. **APPROVAL OF SHAW LANE FINAL PLAT AT 8620 218TH ST. SW (FILE # PLN20120043)**

Planner Mike Clugston relayed this was discussed at last week's study session. Councilmember Bloom subsequently submitted several questions for staff primarily regarding the preliminary plat; staff's response is included as Exhibit. 3. Also included in the packet are the signed final plat (Exhibit 1) and the

Approval Resolution (Exhibit 2). As explained at the study session, all the preliminary plat conditions have been met and the plat improvements have been installed and inspected. A 10-foot street dedication at 218th Street SW will be accepted with approval of the plat. This agenda item is approval of the Shaw Lane final plat; the decision regarding the preliminary plat was made by the Hearing Examiner several years ago.

Councilmember Bloom referred to two fir trees along the Hepler property, acknowledging they have been removed and nothing could be done. The code stated trees shall be retained to the maximum extent feasible. It appeared from the record that Mr. Clugston made some effort to have the trees retained; the letter from Jeffrey Treiber, LSA, appeared to be what influenced the Hearing Examiner. The letter states the large evergreen trees in the south portion of Lot 4 and the north portion of Lot 6 are designated to be removed as the critical root zone severely impacts the building envelope for future residences, encroaching any significant distance into the root zone will impact the trees' long term viability and perhaps create a dangerous situation. Councilmember Bloom recalled Mr. Clugston's statement that typically every effort is made to protect roots of trees along the property line and a statement in the record that the property owner believes that clearing as shown on the revised plan shows the maximum tree retention feasible. While it appears Mr. Clugston was trying to save the trees, the Hearing Examiner took LSA's representation that the property owner thought that was the maximum tree retention feasible.

Mr. Clugston responded he cannot second guess the Hearing Examiner's decision and did not know how he reached that conclusion. Exhibit 2 of last week's packet, Preliminary Plat Staff Report and Attachments, reflects public comments received during the preliminary plat process from the Heplers and Connelleys who indicated the trees on the property line were an issue to them. Their concerns included maintenance of the trees. He read from the staff report, The evergreens adjacent to the Hepler's property are mature and encroaching over the property line anywhere from 5 to 20 feet based on the location of the cyclone fence. While Hepler is probably within his rights to maintain the encroaching trees on his side of the property line (approximately the fence), trimming the trees from the fence all the way to their tops would result in seriously disfigured and damaged trees. Mr. Clugston said the Hearing Examiner likely considered the comments submitted by the Heplers and Connelleys and determined although the City would usually retain the trees, the neighbors' concerns could be addressed in his decision. He reiterated this was his assumption of the Hearing Examiner's decision-making process.

Councilmember Bloom referred to an email from the neighbors who stated the trees encroach on their property by hanging over their property, blocking the sun and creating large maintenance load due to falling leaves, branches and needles from the trees into their yard. She noted there appeared to be many more trees than only the two fir trees she was referring to. Mr. Clugston referred to Exhibit 2, Attachment 4 of last week's packet, the preliminary clearing plan, shows approximately 9 trees on the eastern property line that were part of this discussion.

Councilmember Bloom observed Mr. Clugston's assumption was the Hearing Examiner believed the Heplers and Connellys were within their rights to cut everything to their property line. Mr. Clugston answered that was probably the case. He explained no permit would have been required to remove the trees if the Hepler, Connelleys and applicant wanted to remove the trees on their property as there are no critical areas or steep slopes. Single family zoned parcels without critical area can remove trees without permit under the current tree code.

Councilmember Bloom asked if that applied to the tree overhang. Mr. Clugston answered the trunks of the subject trees were either on or very near the property line. The Connellys and Heplers' concerns were the overhanging branches and maintenance issues.

Councilmember Bloom asked Mr. Clugston if he personally believed the maximum number of trees were retained that was feasible. Mr. Clugston answered his personal belief was not germane to this discussion but all things equal, as many were retained as was feasible given the plat and the neighbors' concerns.

Councilmember Bloom recalled Mr. Taraday stating at last week's study session that nothing could be done because the trees were gone. City Attorney Jeff Taraday provided context, explaining the trees are a very small part of the bigger pictures. The issue before the Council is whether or not the applicant has complied with the conditions of the approval that the Hearing Examiner imposed on the applicant and whether the other final plat requirements have been met. Final plat is not an opportunity for the Council to exercise discretion; either the applicant has or has not done what they were supposed to do. Staff found the applicant has done what they were required to do and is recommending approval.

With regard to trees and the decision by the Hearing Examiner which is not reviewable by the City Council tonight, Mr. Taraday explained that may inform future revisions to the tree code and this could be used an example of how the tree code works in Edmonds. Exploration of how the tree code works may be more germane as an agenda item to analyze tree code. Tonight's agenda item is whether or not the applicant satisfied the requirements for final plat approval.

Councilmember Bloom relayed her concern whether the Hearing Examiner actually required all trees to be retained to the maximum extent feasible; this is about protection of an environment asset. Mr. Taraday said that question is not properly before the City Council tonight. If the Council has concerns about the way the Hearing Examiner is doing his work that should be taken up with him during his annual report and/or during contract renewal. If there are questions regarding how the tree code works that should be discussed in the context of the tree code. Whatever the Hearing Examiner did, right or wrong, that is not before the Council tonight; the Council cannot review or change that decision tonight.

Councilmember Bloom asked why final plats are presented to Council for approval. Mr. Taraday answered State law requires City Council action. All the discretionary decisions occur at the preliminary plat stage. Final plat approval by the City Council is a rubber stamp because the standards for final plat approval are very cut and dried and nondiscretionary.

Councilmember Bloom summarized her concern was with the interpretation of the language in the code, trees must be retained to the maximum extent feasible. Her understanding of Mr. Taraday's explanation was that cannot be discussed tonight but can be discussed with the Hearing Examiner during his annual report. Mr. Taraday clarified the Council could discuss it tonight but it was not germane to this agenda item. It would be more appropriately discussed as part of an agenda item regarding the tree code.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE RESOLUTION 1332, APPROVING THE SIX LOT SHAW LANE FINAL PLAT. MOTION CARRIED (4-0-1) COUNCILMEMBER BLOOM ABSTAINING.

Councilmember Bloom explained she abstained because she did not have enough information to determine that the maximum amount of trees that were retained was feasible. She understood this was not a discretionary decision but she could not approve the final plat. She suggested more information was needed to understand what went on but the Council has no authority to do anything.

9. MAYOR'S COMMENTS

Mayor Earling thanked Councilmember Buckshnis for her kindness in receiving the outcome of Sunday's football game. He understood her husband's accolades were not as loud.

10. COUNCIL COMMENTS

Mayor Earling complimented Student Representative Eslami on his attire. Student Representative Eslami thanked the veterans for their service.

Councilmember Mesaros commented it was good to hear the veterans speak. As a veteran himself, he was surprised at how emotional he got remembering his high school classmate. He reiterated his offer to be the City's representative at the Super Bowl as he will be in Phoenix that day.

Councilmember Buckshnis thanked everyone who sent condolences; they helped calm her husband down and he has now moved on to hockey. She thanked the veterans that came tonight, relaying the plaza will be beautiful. She offered her assistance with fundraising.

Councilmember Johnson was very sympathetic to Councilmember Bloom's concerns about final acceptance of the Shaw Lane subdivision. She acknowledged there was nothing the Council could do as the trees have been cut down. She suggested a discussion at a Council retreat or a study session about the development review process to help Councilmembers understand and identify any shortcomings in the process. She relayed the Google Earth view of the Shaw Lane site showed it was heavily wooded, approximately 75% wooded and it is a shame the end result was only a few trees remained.

Council President Fraley-Monillas reported on the ribbon cutting ceremony for the Verdant office. She encouraged the public to stop by to see the options they offer.

Council President Fraley-Monillas thanked the veterans who attended and spoke about the Veterans' Plaza, envisioning it as an important piece of Edmonds history. She also said Go Hawks.

Mayor Earling observed many felt a twinge during the Veterans' Plaza presentation thinking about those who have been lost particularly in his age group in Vietnam and more recently in the Mid-East. The Veterans' Plaza will provide an opportunity to reflect and remember.

11. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

At 9:05 p.m., Mayor Earling announced that the City Council would meet in executive session regarding pending or potential litigation per RCW 42.30.110(1)(i.) He stated that the executive session was scheduled to last approximately 15 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Finance Director Scott James and Deputy Clerk Linda Hynd. The executive session concluded at 10:29 p.m.

12. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

Mayor Earling reconvened the regular City Council meeting at 10:30 p.m.

13. **ADJOURN**

With no further business, the Council meeting was adjourned at 10:31 p.m.

DAVID O. EARLING, MAYOR

SCOTT PASSEY, CITY CLERK